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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,097	01/10/2001	Barry Wendall Stewart	796	7402

7590

03/21/2002

Law Offices of John D. Gugliotta, P.E., Esq.  
202 Delaware Building  
137 South Main Street  
Akron, OH 44308

EXAMINER

CRUZ, MAGDA

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 03/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/758,097	Applicant(s) STEWART, BARRY WENDALL	
	Examiner Magda Cruz	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: element 49. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: elements 22 and 14a. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Specification***

4. The disclosure is objected to because of the following informalities: spelling error, on page 5, line 17: "lense". Appropriate correction is required.

***Claim Objections***

5. Claim 1 is objected to because of the following informalities:
- a. Spelling error on page 8, line 6: "projected" instead of - - projecting - - .
  - b. Spelling error on page 8, line 7: "a anterior" instead of - - an anterior - - .
- Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 2-4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- a. In claim 2, is unclear what does the applicant mean by "otherwise".
  - b. Claims 3-4 and 6 fall with parent claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Laizans, et al.

Laizans, et al. (US Patent Number 4,396,262) discloses a portable projector (column 1, lines 44-50) comprising: a housing having a generally tubular, portable shape the overall size and shape of a conventional flashlight (Figure 1); and slide projection means (13) mounted within said housing (1) for projecting a slide image from a lens (8) mounted on an anterior end of said housing (1).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laizans, et al. in view of Walter.

Laizans, et al. (US Patent Number 4,396,262) teaches the salient features of the present invention, except a linear carousel mechanism for retaining a plurality of projector slides.

Walter (US Patent Number 4,396,262) discloses a linear carousel mechanism (31) for retaining a plurality of projector slides (column 2, lines 24-25); a guide rail (32) that guides and articulates a plurality of slide gripping brackets (33, 34) that are spring urged by a slide advance spring tracked between each respective gripping bracket along said guide rail (column 2, lines 32-34); said rail can be pivoted up into position

between a lead slide and a next available slide in said carousel, and as a new slide is urged forward by spring action an old slide is discharged (column 2, lines 36-47 and 51-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the linear carousel mechanism disclosed by Walter in Laizans, et al.'s invention, for the purpose of projecting a predetermined sequence of slides continuously and repeatedly without any interruption.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laizans, et al. in view of Walter as applied to claims 2-4 and 6 above, and further in view of LiDonnici, et al.

Laizans, et al. (US Patent Number 4,396,262) in view of Walter (US Patent Number 4,396,262) teaches the salient features of the present invention, except an access door pivotally affixed to the housing, to provide access to a housing internal cavity.

LiDonnici, et al. (US Patent Number 4,518,233) discloses an access door (20) pivotally affixed to the housing (10a), to provide access to a housing internal cavity (column 3, lines 30-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the access door pivotally affixed to the housing disclosed by LiDonnici, et al. in combination with Laizans, et al. and Walter, for the purpose of allowing to change the lamp, and therefore, have access to the internal part of the projector.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (703)308-6367. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703)308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-4355 for regular communications and (703)308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.

Magda Cruz  
Patent Examiner  
March 16, 2002



CHRISTOPHER MAHONEY  
PRIMARY EXAMINER